

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION**

**TOYA SWEARINGEN,  
ON BEHALF OF E.H.,  
Plaintiff**

**VS.**

**CAROLYN W. COLVIN,  
Commissioner of Social Security,  
Defendant.**

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**CASE NO. 1:15-CV-64**

**ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING  
APPLICATION FOR ATTORNEY'S FEES**

Before the court is the Plaintiff's Motion for Attorney Fees under the Equal Access to Justice Act, 28 U.S.C. § 2412. (Doc. No. 20.) The Commissioner's response stated that she was unopposed to the requested fee (Doc. No. 21), and neither party filed objections to the magistrate judge's Report and Recommendation. It is therefore

ORDERED that the Plaintiff's application for attorney's fees (Doc. No. 20) is GRANTED. It is further

ORDERED that the Commissioner of Social Security shall pay Toya Swearingen, on behalf of E.H., a minor, in care of her attorney, Ronald D. Honig, an attorney fee in the amount of \$5,638.95 plus court costs of \$400. This amount includes fees and compensation for 30.80 hours of service at \$125.00 per hour, plus an adjustment for increased costs of living consistent with the Consumer Price Index for the relevant time periods. The court directs that the award be mailed to Toya Swearingen, on behalf of E.H., a minor, in care of her attorney, Ronald D. Honig, at his office address, 9400 N. Central Expressway, Suite 1205, Dallas, Texas, 75231. It is further

ORDERED that this award is subject to any beneficial, contractual and/or assignment-based interests held by the Plaintiff's attorney. If successful at the administrative level, the Plaintiff is

granted an extension of thirty days from receipt of the Notice of Award from the Social Security Administration to file a motion for attorney's fees under 42 U.S.C. § 406(b).

So **ORDERED** and **SIGNED** this **19** day of **September, 2016**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

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Ron Clark, United States District Judge